Rap Brown Plea Due Hearing

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ELLICOTT CITY, Md. March 4 (UPI)—A Howard County judge has agreed to allow William Kunstler a hearing to present evidence that an arson charge against his client, missing black militant H. Rap Brown, was fabricated.

On March 19 Kunstler will attempt to prove to Judge James MacGill that a prosecutor fabricated the arson charge against Brown so that the FBI would enter the case in the event Brown disappeared.

Brown has been missing and on the FBI's 10-most-wanted list, for almost a year. He disappeared shortly before he was to come to trial for arson, inciting a riot and inciting to arson in Cambridge, Md., in July, 1967.

The arson charge is the only remaining felony charge against him. The FBI almost never seeks fugitives charged by state prosecutors with misdemeanors.

Richard Kinlein, prosecutor in Howard County, confirmed published reports that Dorchester County Prosecutor William B. Yates of Cambridge told him last May the charge against Brown was concocted to "get him on the FBI's 10-most wanted list." Brown's trial, after two changes of venue, would be held here if the fugitive ever reappeared.

Kunstler's motion here was the latest in a series of efforts by Brown's attorneys to have the arson charge thrown out by the courts. Last week, a federal appeals court in New Orleans—where Brown faces federal charges related to his Maryland troubles—denied a motion for a hearing on the same issue.